

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
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DATE FILED: 2/14/2020

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ROBERT SANDERS,

Plaintiff,

-v-

OFFICERS PETER SIMONOVIC, JOSE CINTRON
and SERGEANT RICHARD JOHNSON,

Defendants.
-----X

19-cv-5525 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed an amended complaint naming certain defendants who have been identified pursuant to the Court's June 28, 2019 *Valentin* order. Dkt. No. 11. The New York City Law Department submitted a letter on October 18, 2019 with the last known address for Defendant Johnson, who is now retired from the NYPD. Dkt. No. 14.

On October 24, 2019, the Court instructed the Clerk of Court to issue a summons and deliver to the U.S. Marshals Service all of the paperwork necessary for the Marshals Service to effect service upon the three defendants. Dkt. No. 15.

On December 17, 2019, the Marshals Service attempted to effect service on Defendants Simonovic and Cintron through the NYPD, Bronx Narcotics Borough at 500 Abbot Street, Bronx, New York, NY 10470, but was unable to serve because the location represented it did not accept legal service. Dkt. Nos. 16, 17. Although the letter submitted by Plaintiff dated February 4, 2020 says that he received proof of service for these defendants, Dkt. No. 19, the Court has received no such proof.

On January 23, 2020, the Marshals Service attempted to effect service on Defendant Johnson at the last known address provided by the New York City Law Department, but was unable to serve because Defendant Johnson had sold the property at that address in April 2019 according to the current resident of that address. Dkt. No. 18.

It is hereby ORDERED that, no later than February 24, 2020, the New York City Law Department is directed to provide an address where Defendants Simonovic and Cintron can be served, or alternatively, accept service on their behalf. IT IS FURTHER ORDERED that, by March 2, 2020, the New York City Law Department will ascertain and provide the Court with the proper service address for Defendant Johnson.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Plaintiff by certified mail and by regular, first-class mail.

SO ORDERED.

Dated: February 14, 2020
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge